

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 385

Short Title: 2011 Omnibus Labor Law Changes.-AB (Public)

Sponsors: Representatives Howard and Brubaker (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Commerce and Job Development.

March 17, 2011

1 A BILL TO BE ENTITLED
2 AN ACT MAKING OMNIBUS AMENDMENTS TO THE LABOR LAWS OF NORTH
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 95-69.10(a) reads as rewritten:

6 "(a) This Article shall apply to all boilers and pressure vessels constructed, used, or
7 designed for operation in this State including all new and existing installations unless
8 specifically excluded by subsection (b) of this section. ~~which are operated in connection with~~
9 ~~business buildings, institutional buildings, industrial buildings, assembly buildings, educational~~
10 ~~buildings, public residential buildings, recreation buildings, other public buildings, and water~~
11 ~~supplies. This Article shall also apply to boilers and hot water supply tanks, and heaters located~~
12 ~~in hotels, motels, tourist courts, camps, cottages, resort lodges, and similar places whenever the~~
13 ~~owner or operator advertises in any manner for transit patronage, or solicits such business for~~
14 ~~temporary abode by transit patrons."~~

15 **SECTION 2.** G.S. 95-69.10(b)(17) reads as rewritten:

16 "(17) Coil-type hot water supply boilers of the instantaneous type where adequate
17 safety relief valves and controls are installed if none of the following
18 limitations are exceeded:

- 19 a. There is no ~~drum, header, or other steam space.~~ drum or header.
- 20 b. No steam is generated within the coil.
- 21 c. Maximum one-inch tube size.
- 22 d. Maximum three-quarter-inch nominal pipe size.
- 23 e. Maximum six-gallon nominal water storage capacity.
- 24 f. Water temperature not to exceed 250°F.
- 25 g. Maximum heat input does not exceed 400,000 Btu/hr or 110 kW.
- 26 h. Maximum pressure of 260 psig."

27 **SECTION 3.** G.S. 95-69.10(c), (d), and (e) read as rewritten:

28 "(c) The construction and inspection requirements established by the Department of
29 Labor shall not apply to hot water supply boilers or water heaters which are directly fired with
30 oil, ~~gas-gas,~~ or electricity, or to hot water supply storage tanks heated by steam or any other
31 indirect means, if they are equipped with ASME Code and National Board certified safety
32 relief valves ~~which~~ and do not exceed any of the following limitations:

- 33 (1) Heat input of 200,000 Btu/hr or 58.6 kW.
- 34 (2) Repealed by Session Laws 2005-453, s. 2.
- 35 (3) Nominal water capacity of 120 gallons.



1 ~~provided that they are equipped with ASME Code and National Board certified safety relief~~
 2 ~~valves.~~

3 (d) The construction requirements established by the Department of Labor shall not
 4 apply to pressure vessels installed in this State prior to December 31, 1981, ~~that:~~ if they are
 5 equipped with ASME Code and National Board certified safety relief valves and:

- 6 (1) Are of one-piece, unwelded, forged construction;
- 7 (2) Are constructed before January 1, 1981, and operating or could be operated,
 8 under the laws of any state or Canadian Province that has adopted one or
 9 more sections of the ASME Code;
- 10 (3) Are transferred into this State without a change of ownership; and
- 11 (4) Are determined by the Chief Inspector to be constructed under standards
 12 substantially equivalent to those established by the department at the time of
 13 ~~transfer;~~transfer.

14 ~~provided that they are equipped with ASME Code and National Board certified safety relief~~
 15 ~~valves.~~

16 (e) The construction requirements established by the Department of Labor shall not
 17 apply to pressure vessels installed in this State prior to December 31, 1984, ~~that:~~ if they are
 18 equipped with ASME Code and National Board certified safety relief valves and:

- 19 (1) Are manufactured from gray iron casting material, as specified by the
 20 American Society for Testing and Materials, (ASTM) 48-60T/30;
- 21 (2) Are constructed before December 31, 1967, and operating or could be
 22 operated, under the laws of any state or Canadian Province that has adopted
 23 one or more sections of the ASME Boiler and Pressure Vessel Code;
- 24 (3) Are transferred into this State without a change of ownership; and
- 25 (4) Are determined by the Chief Inspector to be constructed under standards
 26 substantially equivalent to those established by the department at the time of
 27 ~~transfer;~~transfer.

28 ~~provided that they are equipped with ASME Code and National Board certified safety relief~~
 29 ~~valves."~~

30 **SECTION 4.** G.S. 95-69.11 is amended by adding a new subdivision to read:

31 "(17) To grant exceptions from the requirements of the rules and regulations
 32 adopted under authority of this Article and to permit the use of other devices
 33 when such exceptions and uses will not expose the public to an unsafe
 34 condition likely to result in serious personal injury or property damage."

35 **SECTION 5.** G.S. 95-111.3(a) reads as rewritten:

36 "(a) The term "amusement device" shall mean any mechanical or structural device or
 37 attraction that carries or conveys or permits persons to walk along, around or over a fixed or
 38 restricted route or course or within a defined area including the entrances and exits thereto, for
 39 the purpose of giving such persons amusement, pleasure, thrills or excitement. ~~The term shall~~
 40 ~~include but not be limited to roller coasters, Ferris wheels, merry-go-rounds, glasshouses,~~
 41 ~~waterslides, and walk-through dark houses.~~ This term shall not include any of the following:

- 42 (1) Devices operated on a river, lake, or any other natural body of ~~water;~~water.
- 43 (2) ~~Wavepools;~~Wavepools.
- 44 (3) Roller skating ~~rinks;~~rinks.
- 45 (4) Ice skating ~~rinks;~~rinks.
- 46 (5) Skateboard ramps or ~~courses;~~courses.
- 47 (6) Mechanical ~~bulls;~~bulls.
- 48 (7) Buildings or concourses used in laser ~~games;~~games.
- 49 (8) All terrain ~~vehicles;~~vehicles.
- 50 (9) ~~Motoreycles;~~Motorcycles.
- 51 (10) ~~Bicycles;~~ and Bicycles.

- 1 (11) ~~Mopeds.~~Mopeds.
2 (12) Rock walls that are in a fixed, permanent location.
3 (13) Zip-lines.
4 (14) Funhouses, haunted houses, and similar walk-through devices that are
5 erected temporarily on a seasonal basis and do not have mechanical
6 components.
7 (15) Playground equipment, including but not limited to soft contained play
8 equipment, swings, seesaws, slides, stationary spring-mounted animal
9 features, jungle gyms, rider-propelled merry-go-rounds, and trampolines."

10 **SECTION 6.** G.S. 95-111.8 reads as rewritten:

11 "**§ 95-111.8. Location notice.**

12 No person shall operate for the public or permit the operation for the public any device
13 subject to the provisions of this Article after initial assembly or after reassembly at any location
14 within this State without first notifying the Commissioner of the intention to operate for the
15 public. Written notice of a planned schedule of operation or use shall be received at least 10
16 working days prior to the first planned date of operation or use."

17 **SECTION 7.** G.S. 95-119(a) reads as rewritten:

18 "(a) A registration certificate shall be issued ~~without delay~~ annually when the
19 Commissioner is satisfied that the facts stated in the application are sufficient to enable the
20 Commissioner to fulfill his or her duties under this Article and that the device sought to be
21 registered complies with the rules adopted pursuant to this Article. ~~Each registration certificate~~
22 ~~shall expire on October 31 of the year next following the date of issuance."~~

23 **SECTION 8.** G.S. 95-130(11) reads as rewritten:

24 "(11) Any employee or representative of employees who believes that any period
25 of time fixed in the citation given to his employer for correction of a
26 violation is unreasonable has the right to contest such time for correction by
27 filing a written and signed notice within ~~20~~ 15 working days from the date
28 the citation is posted within the establishment."

29 **SECTION 9.** G.S. 95-242 is amended by adding a new subsection to read:

30 "(b1) The Commissioner may reopen an investigation under this Article for good cause
31 shown within 30 days of receipt of the right-to-sue letter. If an investigation is reopened
32 pursuant to this section, the 90-day time limit set forth in G.S. 95-243(b) shall not commence
33 until the new investigation is complete and either a new right-to-sue letter is issued or the
34 Commissioner notifies the parties in writing that conciliation efforts have failed."

35 **SECTION 10.** G.S. 95-242(c) reads as rewritten:

36 "(c) An employee may make a written request to the Commissioner for a right-to-sue
37 letter after ~~180~~ 90 days following the filing of a complaint if the Commissioner has not issued a
38 notice of conciliation failure and has not commenced an action pursuant to G.S. 95-242."

39 **SECTION 11.** This act is effective when it becomes law.